

**Ho, Nancy**

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**From:** Jeff Saitas <jsaitas@westcapitol.com>  
**Sent:** Monday, September 10, 2018 12:00 PM  
**To:** R6 FOIA  
**Subject:** FW: Follow-up Needed FOIA Request EPA-R6-2018-011169

Ms. Ho,

First let me apologize for taking so long to respond to your email. I was trying to think through how best to narrow the request so that EPA can efficiently respond.

- Date range: from January 1, 2018 through August 31, 2018.
- Title/subject matter:
  - The title of responsive documents will likely reference an application or request for a case-by-case determination of Maximum Achievable Control Technology (MACT) under Section 112(g) of the Federal Clean Air Act, or words of similar import.
  - Such a document will involve a request by a private entity for the EPA to determine air emissions control requirements for hazardous air pollutant emissions from a facility that is a major source of such emissions and for which the EPA has not previously promulgated a MACT regulation.
  - In addition to the application or determination request by the private entity, this FOIA request includes formal correspondence from the EPA back to that entity relating to the MACT request. For example, if the EPA sent a letter approving the application, disapproving the application, or requesting additional information from the applicant, the FOIA request includes such a letter.
  - In the interest of clarity, this FOIA request does not include all MACT or 40 CFR Part 63 correspondence. It relates solely to a small number of specialized case-by-case MACT determinations received by Region 6 for unusual and specialized facilities.
- Author:
  - The responsive document(s) will likely have been submitted by or on behalf of private entities seeking a so-called “112(g) determination” from the EPA. There could either be a company author or an engineering or consulting firm or other third party as the author.
  - At least one such responsive document was likely prepared on behalf of Texas Gulf Terminals Inc. by Trinity Consultants
  - A second responsive document was likely prepared by or on behalf of Kinder Morgan or Enbridge.
- Recipient:

- Under 40 CFR 63.13, the official EPA recipient for responsive documents would be: "Director, Air, Pesticides and Toxics, 1445 Ross Avenue, Dallas, TX 75202-2733".
- EPA staff within the Multimedia Division who are responsible for Clean Air Act matters, specifically under Jeff Robinson, are believed to be most likely to have received these documents.

Thank you again for reaching out to me.

Jeff Saitas

Saitas and Seales  
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**From:** R6 FOIA <[R6FOIA@epa.gov](mailto:R6FOIA@epa.gov)>  
**Date:** September 4, 2018 at 5:36:33 PM CDT  
**To:** "[jeffreysaitas@gmail.com](mailto:jeffreysaitas@gmail.com)" <[jeffreysaitas@gmail.com](mailto:jeffreysaitas@gmail.com)>  
**Subject:** Follow-up Needed FOIA Request EPA-R6-2018-011169

Dear Mr. Saitas:

This email is in regards to your FOIA request EPA-R6-2018-011169 in which you requested, "copies of the non-confidential portion(s) of Clean Air Act Section 112(g) case-by-case MACT determination requests submitted to EPA Region 6 since January 1, 2018, and any formal correspondence between EPA and the 112(g) applicant relating to the request."

Please assist us in processing this FOIA request.

Please describe whether this FOIA request will be used for commercial purposes.

Your request does not reasonably describe the records you are seeking in a way that will permit EPA employees to identify and locate them. The EPA's FOIA regulations explain:

"Whenever possible, your request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. If known, you should include any file designations or descriptions for the records that you want. The more specific you are about the records or type of records that you want, the more likely EPA will be able to identify and locate records responsive to your request." 40 C.F.R. § 2.102(c).

We would like to provide you the opportunity to clarify the records that you are seeking so that EPA can process your request. As indicated in 40 C.F.R. § 2.102(c), please include any specific information about the records you seek, including time period, authors, or a more detailed description of the records' subject matter. Additionally, the FOIA does not require federal agencies to respond to questions so please consider that as you are modifying your request.

Please provide the date range of records requested. (Note: We cannot provide future records that do not exist yet).

We look forward to your clarification. Please let us know if you would like to provide clarification or to modify/withdraw your FOIA request by contacting [r6foia@epa.gov](mailto:r6foia@epa.gov). In the meanwhile your FOIA request is currently on hold. If we do not hear back from you by September 16, 2018, we will administratively close your request.

Sincerely,

Nancy Ho

EPA Region 6 FOIA Team